

Special Report

by Jerry Policoff and William Scott Malone

A GREAT SHOW, A LOUSY INVESTIGATION

The setting was familiar: an ornate, high-ceilinged congressional hearing room, bright with the glare of television lights and packed to the brim with spectators and reporters straining for every word. On the dais, the committee members appeared solemn and deliberate, as well they might, for before them history was literally in the making. It could have been Watergate, Koreagate, the Kefauver hearings or any of the investigative extravaganzas that periodically bestir Congress from its somnambulance. But this hearing, into the assassinations of John F. Kennedy and Martin Luther King Jr., was different, both in tactics and outcome—an outcome that, unknown to the assembled spectators and reporters, had already been determined months in advance.

So it was last month as the House Select Committee on Assassinations opened the final, public phase of its two-year investigation of the Kennedy and King murders. The first major witness was James Earl Ray, King's convicted (and, at one point, confessed) killer. He behaved in fitting fashion, proclaiming his innocence and attacking the committee itself. The reporters scribbled furiously. It was great theater.

No doubt the theatrics will continue (provided Congress appropriates the \$790,000 in additional funding the committee says it needs to stay in business past Labor Day) for the rest of the hearings' scheduled eight-week run. A number of the upcoming performers are sure-fire box-office: Marina Oswald, widow of the accused presidential assassin; Richard Helms, late of the CIA and conspiracies of his own; and, as a special, added attraction, a former President of the United States, Gerald R. Ford. Lending additional appeal will be revelations about organized crime, spies, sex, all manner of plotting and shadowy men, and Cuba. (Castro himself chatted with a committee delegation—three congressmen plus staff members—and provided documents that committee sources call "highly interesting." In a move that

may show his feelings about the committee, Castro also revealed much of the material to the press, claiming the documents prove that the CIA attempted to frame him for Kennedy's murder.)

In the end, with all due gravity, the committee will issue its final report—which, in the best traditions of *Alice in Wonderland*, is being written even now, weeks before the investigation ends.

It has always been an odd quest, the search for the murderers of John F. Kennedy and Martin Luther King, undertaken largely by odd men, often for odd reasons. And there is no question that the history of the House Select Committee on Assassinations has been odd indeed. Approved, reluctantly, by the House, only after considerable pressure from the Congressional Black Caucus, the committee was chaired early on by Texas Congressman Henry Gonzalez, whose investigative expertise sprang from the happenstance of riding in a presidential motorcade through Dallas on November 22, 1963. As chief counsel, the committee hired Richard A. Sprague, who prosecuted the killers of United Mine Workers insurgent Jock Yablonski. But Sprague's tenure was brief. Within a few months, Gonzalez was accusing Sprague of being a liar and a "rattlesnake," while Sprague was calling his chairman "a sorry example of a person." Both finally ended up quitting, and the committee survived a House move to kill it by a bare 49-vote margin.

Since then, the committee, with new chairman Louis Stokes (D-Ohio), a leading member of the Black Caucus, and new chief counsel G. Robert Blakey, has been quietly toiling away, safe from the light of publicity. More than 3,000 interviews have been conducted with witnesses; autopsy results have been studied; ballistics tests have been conducted; files have been pored over; and, by the committee's reckoning, answers have been found.

What, precisely, those answers are will remain secret until their release this December. But *New Times* has

learned that the committee is leaning toward the following conclusions:

- That Lee Harvey Oswald acted alone in shooting Kennedy.

- That Martin Luther King was the victim, essentially, of a "family plot," involving James Earl Ray and his brothers Jerry (see "A Man He Calls Raoul," NT, 4/1/77) and John Larry, both convicted felons, and his sister, Carol Pepper. Committee sources say the report will state that James Earl Ray did, in fact, fire the fatal shot at King, and that his family helped him escape. The committee has not yet decided whether this questionable scenario will be broadened to include the possible participation of a number of white racists and businessmen, who have been previously connected to the Ray family.

- That contrary to the Warren Commission's findings, Jack Ruby, Lee Harvey Oswald's killer, had extensive ties to organized crime and was heavily involved in gunrunning to Fidel Castro's revolutionaries. (see "The Secret Life of Jack Ruby," NT, 1/23/78.)

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- That Lee Harvey Oswald's possible connections to intelligence organizations, foreign or domestic, remain unclear.

- That both the CIA and the FBI concealed—and that the FBI also destroyed—evidence the Warren Commission vitally needed, but did so out of bureaucratic embarrassment. In short, the work of both agencies was slipshod, not sinister.

In addition, the committee also conducted a number of tests on crucial pieces of the physical evidence in the Kennedy assassination. In one of them, neutron activation analysis (NAA) purportedly "matched" shards of metal taken from the wrist of Texas Governor John Connally to the "magic bullet" which, according to the Warren Commission, struck the President in the back, exited his throat and continued on to inflict five additional wounds to Governor Connally. The match-up, if true, substantiates the "magic bullet" theory and, with it, a key point in the lone assassin argument. Photo analysis has also been run on several films of the assassination, including the famous 8mm "home

movie" taken by Abraham Zapruder, as well as another film shot by Orville Nix. The Nix film, according to some Warren Commission critics, revealed the presence of an assassin on the grassy knoll. But the committee's analysis shows no assassins. Finally, the committee summoned a panel of forensic pathologists to examine the X-rays and photographs taken during Kennedy's autopsy. The panel concluded that the President was struck twice from the rear: once in the back of the neck (by the bullet which allegedly continued on to strike Connally), and a second, fatal time in the top of the head.

The committee's conclusions will have their critics. Already assassination researchers, including some on the committee itself, have found things to question, such as:

- The authenticity of the autopsy X-rays and photographs:

- The credibility of the forensic pathologists. (A number of the doctors are personally and professionally affiliated with members of a controversial 1968 panel which studied the same materials and came to the same conclusions. One of the committee's pathologists, Dr. Werner U. Spitz, the medical examiner of Wayne County, Michigan, is a friend of Commander James Humes, one of the three doctors who conducted the highly criticized autopsy on the President. Spitz is also a figure of some infamy in his own right, having been chastised in 1976 by a special county task force for "improper and . . . morally reprehensible" actions in performance of his official duties.)

- The credibility of the as-yet-unrevealed NAA techniques. Similar tests were performed for the Warren Commission, which suppressed the news that the analyses had ever been conducted (leading some to speculate that the results did not support the commission's lone-assassin conclusion). Some of the committee's tests were performed by Alfred P. Guinn, who also conducted some of the Warren Commission's NAA tests.

- The intelligence connections of Itek Corporation, which briefed the committee on photoanalysis. Itek, whose briefings supported the Warren Commission's conclusions, is headed by a former CIA agent and holds a number of contracts with government agencies, including the CIA.

Complicating the committee's tentative lone-assassin conclusion are the recent findings of a respected Boston acoustics firm, commissioned by the committee to analyze interference-ridden tapes of Dallas police transmissions. The firm found evidence of four or five shots—findings which, if true,



Chief counsel G. Robert Blakey: Low marks for the professor

rule out Oswald as the lone assassin. The test results, leaked to the press in early August, have been dubbed "Blakey's problem" by some staffers.

As a result, the report itself will be considerably less than the full and final word on who killed Kennedy and King that it was intended to be. Many areas—notably Oswald's motives and whether he was directed by others—will be left purposely ambiguous, to the considerable irritation of some present and former committee investigators. "What they are going to put out," says Alvin B. Lewis Jr., former acting chief counsel, "is a document that is safe and politically acceptable to the Congress."

The man overseeing the report—and every aspect of the investigation—is committee chief counsel G. Robert Blakey. He selected the witnesses, decided which leads to follow and which to ignore, picked the forensic panel, called on Itek to brief the committee, hired and fired the staff, and set its agenda.

The "professor," as Blakey prefers to be called, is, to all appearances, the thoughtful soul of academe—quiet, deliberative, meticulous. His résumé is impressive: four-year veteran of the organized crime and racketeering section of Robert Kennedy's Justice Department; former chief counsel to the Senate Subcommittee on Criminal Laws and Procedures; principal consultant to President Johnson's Commission on Law Enforcement and Administration of Justice; consultant to *Time*, *Look* and *Life*; and director of Cornell University's Institute on Organized Crime. At the time of his appointment in June 1977, he seemed the perfect man for the job, an intellectual cop, a man who knew the inner

workings of crime.

So, at least, went the reputation. But beneath the impressive credentials and well-polished manners, a different Robert Blakey emerges—an ambitious academic on the make, apparently unconcerned with constitutional niceties or the accepted procedures of investigation. It was this Robert Blakey who helped draft the Nixon-backed S 1, a bill that would have severely limited civil liberties. It was this same Robert Blakey who personally wrote the infamous Title III of the Omnibus Crime Control and Safe Streets Act of 1968, which for the first time authorized court-approved wire-tapping and electronic surveillance by law enforcement agencies. Not that Blakey's dedication to the war on crime was total. On at least one occasion he allied himself with rather peculiar company: Rancho La Costa, a multimillion dollar San Diego resort financed with Teamster pension fund money, and the subject, since its opening 13 years ago, of numerous investigations. One of those investigations was conducted by two freelance reporters, Jeff Gerth and Lowell Bergman, on assignment for *Penthouse*. As a result of their March 1975 article, La Costa sued the magazine for \$630 million, one of the largest libel suits in history. In the initial court proceedings, the resort and its co-plaintiffs produced a host of character affidavits, including one provided by none other than G. Robert Blakey, who, while conceding ignorance of the truth of *Penthouse's* charges, branded the article "reckless in the extreme."

Another cause for worry is Blakey's association with people who were potential witnesses before his own committee. During his days as a major consultant to the President's Commission on Law Enforcement in the mid-sixties, for instance, Blakey served closely with four men connected to the original investigation of John Kennedy's murder: Nicholas Katzenbach, who, as deputy attorney general in 1964, applied severe and as yet unexplained pressure on the Warren Commission to immediately endorse, prior to independent investigation, the notion that Oswald acted alone; Leon Jaworski, special counsel to the Warren Commission and the man charged with investigating whether Oswald had any ties to U.S. intelligence (Jaworski found none; three years later, it was disclosed that a foundation of which Jaworski was a trustee was a secret conduit for CIA funds); Robert G. Storey, another special counsel to the Warren Commission; and Supreme Court Justice Lewis F. Powell, who, as president-elect of the American Bar Association, was named by the ABA as a legal observer to the Warren Commission to

protect Oswald's rights, and instead spent much of his time devising ways to disbar commission critic Mark Lane.

All the same, committee investigators were more than willing to give Blakey a chance. After the contentiousness under Sprague and Gonzalez, the committee finally seemed to be getting down to business. Even Blakey's opening remark at his first news conference—"there will not be any more news conferences"—seemed to be a mark of serious purpose.

They soon discovered, though, that Blakey's style of investigation was most peculiar. He exhibited, for instance, a positive obsession with secrecy. Soon after his arrival, all staff members were required to sign a "non-disclosure agreement" that prohibited any outside discussions relating to committee operations and compelled reporting any such inquiries to the committee. Failure to do so could bring a \$5,000 fine, dismissal, disqualification from future congressional employment and possible criminal prosecution. Ten prominent critics of the Warren Commission whom Blakey quietly invited to Washington for a discussion of the case last September were also required to sign the agreements, even though Blakey revealed nothing of substance. Later, Blakey instructed the staff to have no contact with critics without his specific, personal authorization. By then, the press had been barred as well, since, in one of his first official acts, Blakey had closed the press office. Even the aides of the members of the committee were cut off from reviewing the progress of the investigation. So great was Blakey's compulsion for secrecy that he ordered copies of the contracts of all consultants withheld from the House Administration Committee—a move virtually unprecedented in congressional history.

By contrast, Blakey was oddly trusting of the FBI and the CIA, agencies which, in the minds of many, are themselves under suspicion. Dismissing such concerns, and a preliminary report of the committee (which had questioned both the CIA's and FBI's handling of the Kennedy case), Blakey established a cozy relationship with the Bureau and the Agency. Before examining any classified CIA files, committee investigators had to sign a CIA secrecy oath similar to that signed by agency critic Frank Snepp and all other CIA personnel. Any notes made from CIA documents were subject to Agency clearance. And, in a burst of startling beneficence, Blakey agreed to let the CIA review the final report of the committee before it was released to Congress and the public. Blakey's all-too-willing accession to intelligence procedure flabbergasted his own staff

and others familiar with the committee's work, among them Richard Sprague. Asked Sprague: "What's the point of getting material in the first place, if they are going to control who sees it and what we can do with it?" In return for the committee's cooperation, the intelligence agencies promised unlimited access to their files, but have continued to stall and on at least

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one occasion, the CIA was caught lying about the existence of files.

What troubled investigators far more, though, was Blakey's dogged narrowing of the focus of their probing. Soon after his arrival, Blakey lectured the assembled staff on the importance of limiting objectives and later divided them into five separate task forces, with sharply defined areas of responsibility. Where once Sprague had talked of an "open-ended investigation" lasting five years or more, Blakey now instructed his people to have the case wrapped up by the end of the year. Those who quarreled with the new direction of the investigation soon found themselves unemployed. One of the first to go was Kevin Walsh, a researcher, and uncommon among the staff in that he had actually studied the Kennedy case before being hired. But Walsh was known to have friends among Warren Commission critics, and, within a few months, Blakey requested his resignation for what was termed "poor work habits." Donovan Gay, the committee's chief of research, was squeezed out following a series of disagreements with Blakey and the gradual diminution of his access to classified documents. Another researcher, Colleen Boland, was fired without explanation. She promptly sued the committee, and, in an ironic turnabout, retained as counsel two of Blakey's predecessors, Richard Sprague and Alvin Lewis. And, within the past six weeks, Blakey himself has discharged 28 staffers—24 of them investigators—on grounds that the committee was running out of money. Blakey would be in a position to know. Last February, he returned \$425,000 of the committee's budget to Congress, saying that the funds were not needed.

By far the most explosive departure, though—and the one which says the most about the committee's workings—was the resignation of Robert J. Lehner. Lehner, a former Manhattan assistant district attorney and chief deputy counsel in charge of the King investigation, had, during the brief regime of Richard Sprague, developed a good working relationship with James Earl Ray, and was pursuing a number of leads Ray and others had provided him. Certainly, there were leads aplenty in the killing of Martin Luther King. Who, if anyone, was the mysterious "Raoul" whom Ray claimed had framed him? What was the source of Ray's apparently limitless funding? How did he manage to come by forged passports and identity papers? Why had the Memphis police department "stripped" King of protection shortly before his assassination? To what lengths was the FBI willing to go to "get" King? It was these and many other questions that Lehner and his investigative task force were trying to answer—to the considerable discomfort of G. Robert Blakey. According to committee sources, Blakey insisted on a far narrower and neater inquiry, limited essentially to James Earl Ray, the members of his immediate family and J.B. Stoner, head of the racist National States Rights Party. A confrontation ensued. Ultimately, Lehner took his case to the full committee, which proceeded to split into two opposing factions. Black congressional support, which might have been expected for Lehner, mysteriously failed to materialize, even as rumors circulated of FBI tapes which, if disclosed, would prove embarrassing to several of King's former key associates. In any event, Blakey carried the day by issuing a "him or me" ultimatum. At that point, Lehner stepped aside. "The committee would never have survived if Blakey quit," one congressional aide said later. "You've got to remember, this committee is walking on egg shells."

Lehner's resignation brought a major shift of focus in the King investigation. Ray, who had been cooperating, suddenly turned sullen. His family began to feel pressure from Blakey. Their financial records were subpoenaed, and Ray's brothers and sister soon felt more like suspects than witnesses. Citing possible conflict of interest, the committee refused to allow Jerry Ray to retain Mark Lane (who is also representing James Earl) as counsel, at the same time ominously warning Jerry that he would be wise to secure another lawyer. (He eventually represented himself.) Ray's sister, Carol Pepper, was likewise refused permission to retain the lawyer of her

choice, Jim Lesar, a specialist on the King case who had once represented James Earl. (She managed to keep him only after the committee backed away from a showdown.) The committee refused requests by the Ray brothers and Carol Pepper that their testimony be taken in open session, and shortly after his closed-door testimony, John Ray found himself back behind bars, his parole revoked at the request of Blakey, who had accused him of possible perjury.

But the most self-destructive stratagem allegedly involved subornation of perjury, receipt of stolen property and the monitoring and tape-recording of phone calls by an undercover agent, reportedly in the employ of the committee.

The agent's name was Oliver Patterson, a self-identified former informer for the FBI. According to Mark Lane, Patterson, along with committee investigators "and their agents," stole copies of letters between the Ray brothers, monitored and tape-recorded telephone conversations with them, and, in one particularly sleazy bit of business, were instructed to disclose scurrilous information to the *New York Times* about Lane's sex life. Blakey, obviously shaken by Lane's charges, which came on the eve of the hearings, called them "serious" and promised to investigate.

True or not, Lane's allegations, along with Blakey's own behavior, are bound to cast a pall on the hearings, which are scheduled to last another six weeks or more. Blakey has been counting on the hearings to go well, and weeks before they started, he reportedly was calling the executives of the various television networks, urging them to provide coverage. It is his moment in the spotlight, and he has rehearsed it carefully. A lot is riding on these hearings for G. Robert Blakey. More than one source who has come in contact with him lately gets the impression that, when the investigation is wrapped up, he would very much like a senior job in the Justice Department. A good performance could be a stepping stone.

What the hearings will do for the establishment of truth is something else. So poisoned has the atmosphere become from months of bitterness that whatever conclusions the committee comes up with will be suspect. And that is sad—for whatever its sins and omissions, the committee's field investigators have uncovered much that was never known about both murders. One source talks wistfully about "dozens of leads" into a possible conspiracy to kill Kennedy—leads which, like so much about the Kennedy and King murders, will now go aglimmering. ●